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NATIONAL DEFENSE UNIVERSITY
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**ELIMINATE THE ARMY AND AIR FORCE RESERVES: BUILDING A ROBUST
NATIONAL GUARD TO MEET 21ST CENTURY OPERATIONAL CHALLENGES**

by

Eric D. McElwain

Lieutenant Colonel, United States Army National Guard

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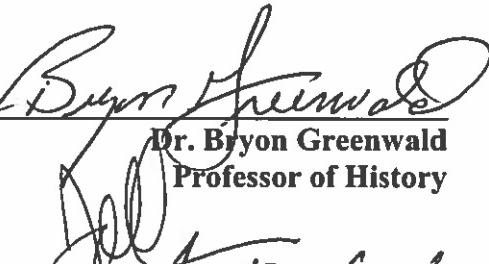
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This paper is entirely my own work except as documented in footnotes.

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ABSTRACT

Continuing evolution of the United States reserve military forces contributes to a secure nation. The Army and Air Force are unique, each maintaining dual reserves, an Army National Guard and Army Reserve, and the Air National Guard and Air Force Reserve, respectively. With sequestration and dwindling budgets, it is imperative the Department of Defense reassess force structure and identify efficiencies. The causative factors for the creation and maintenance of dual reserve components within a Service no longer exist. Emphasis on homeland security missions and the recent empowerment of the National Guard have set the conditions for continued reserve component evolution. This paper recommends dissolving the Army Reserve and Air Force Reserve and merging their personnel and assets into the National Guard to achieve enhanced homeland defense capabilities with no additional expenditures or degradation of federal accessibility to reserve forces.

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INTRODUCTION

The Navy, Marines, and Coast Guard all have one reserve component. The Army and Air Force have two each, the Army National Guard and the Army Reserve, and the Air National Guard and Air Force Reserve, respectively. Utilizing the case study method, this paper explains how the colonial militia experience influenced the organization of the reserves in the United States, and why the issue of access to the National Guard resulted in the existence of dual components in the Army and Air Force. The study describes how continued twentieth century reforms, utilization, and case law no longer support the existence of dual reserve components, and suggests improvements for the twenty-first century centered around the merger of the Air Force and Army reserve and guard components.

The term Reserve Component (RC) refers collectively to the seven individual reserve components of the Armed Forces: the Army Reserve (USAR), the Air Force Reserve (AFRES), the Navy Reserve (USNR), the Marine Corps Reserve (USMCR), the Coast Guard Reserve (USCGR), the Army National Guard (ARNG), and the Air National Guard (ANG). The first five are purely federal reserve components, and commonly called the Reserves, while the latter two are dual state/federal reserve components, referred to collectively as the National Guard, formerly the militia.¹

There is an important distinction between the five reserve components that are

¹ Lawrence Kapp and Barbara Salazar Torreon, *Reserve Component Personnel Issues: Questions and Answers, A Report Prepared for Members and Committees of Congress by the Congressional Research Service, June 2014* (Washington, DC: Government Printing Office, 2014), 8. Connecticut was the first state to formally adopt the title "National Guard" for its militia in 1861. Other states followed in subsequent decades, only Virginia still used the title of "militia" when the National Defense Act of 1916 mandated the use of "National Guard", see Michael Doubler, *The National Guard and Reserve: A Reference Handbook* (Westport: Praeger Security International, 2008), 51-54.

purely federal entities and the two reserve components that are both state and federal entities. With the exception of the USCGR, all of the Reserves serve exclusively in a United States Code (U.S.C.) Title 10, or federal status. The National Guard operates in a U.S.C. Title 32, or state control status, unless placed under Title 10 orders.²

Title 32 allows the National Guard to bridge the ambiguity across state and federal government boundaries in planning for domestic contingencies. The unique duty status, unavailable to Title 10 reserves, allows Guardsmen to act in a law enforcement capacity, or provide immediate emergency response within their home state, or another state, if permission is granted by that state's Governor.³ Planning and relationships with state and local leaders allow for rapid and integrated responses in times of domestic emergency where Posse Comitatus limitations and mobilization time constraints of Title 10 reserve forces are unacceptable.

Twentieth century reforms began to blur the distinction between the National Guard and the federal reserves of the Army and Air Force by increasing the federal government's authority to direct the deployment of the Guard. In 1966, historian William F. Levantrosser observed that the National Guard and their counterparts in the Reserves developed capabilities in a similar fashion, with the edge of financial assistance given to the National Guard, further distorting any distinction.⁴ *Perpich v. Department of Defense* (1990), ended the argument that a governor could deny federalization of his National Guard, settling the debate over accessibility that led to the creation of Title 10

² House Committee on Armed Forces, *Title 10, United States Code Armed Forces*, 112th Cong., 1st sess. 2011, v.

³ National Guard Association of the United States (NGAUS), "Understanding the Guard's Duty Status," NAGUS, <http://www.ngaus.org/sites/default/files/Guard%20Statues.pdf> (accessed January 5, 2016).

⁴ William F. Levantrosser, "The Army Reserve Merger Proposal," *Military Affairs* Vol. 30, No 3 (Fall 1966): 136.

reserves.⁵

Within a fiscally constrained environment, it is essential the U.S. Government and Department of Defense realize efficiencies with the Reserve Components. The cost savings in administrative oversight of single reserve components could be substantial for both the Army and Air Force. Past costing studies have shown considerable savings, however, the studies are dated. Despite the lack of a costing study, recent developments in the twenty-first century provide the right environment for a merger recommendation.

The Army and Air Force Reserves should be dissolved and reorganized into the National Guard to enhance homeland security and consolidate the inefficient dual reserve component structures of the Army and Air Force Active Components. Eliminating the Army and Air Force Reserves will achieve cost savings, enhance homeland emergency response, provide greater advocacy for the components, and increase career opportunities for Service members.

Chapter 1 of this study provides historical background on the early American attitudes towards federal control of the military and the militia access issues created in establishing the U.S. military structure. Chapter 2 covers the multiple military reforms of the early twentieth century and the creation of six new Reserve Components. Chapter 3 reviews the previous attempts at merging the dual components of the Reserves in the mid-twentieth century and why they failed. Chapter 4 explains how the original access argument and claims of distinct capabilities are no longer valid for the USAR and AFRES, and how transferring the units from those components into the National Guard Title 32 force will achieve cost savings, enhance homeland emergency response, while

⁵ Perpich, Governor of Minnesota, et al. v. Department of Defense et al., 496 U.S. 334 (1990).

providing greater advocacy and opportunity. Chapter 5 offers recommendations on how to initiate and execute the merger.

CHAPTER 1

ORIGINS AND ATTITUDES: From Colonial Militias to Posse Comitatus

The Colonial Militia Experience

The Army National Guard is the oldest of all the military organizations in the United States, tracing its lineage to the colonial establishment of the militia in 1636.¹ Formation of militias were necessary to secure English settlements against attacks from Native Americans in the seventeenth century.² Repeated successes by the colonial militia system led to the permanent establishment of militias in twelve of the original thirteen colonies.³

The French and Indian War of 1754-1763 introduced the concept of substantial militia mobilization to augment an active component, the British Regulars. Most of the militias were relegated to support and auxiliary functions, breeding resentment from the colonials. Quartering of British troops in American homes drew outrage from the public who deemed it illegal. Flogging of soldiers for minor offenses, a common British practice, further marked the regular army as an oppressive institution.⁴ Contempt developed for regular forces by the American people during the French and Indian War

¹ The oldest units in the U.S. military are the 101st Engineer Battalion, the 101st Field Artillery Regiment, the 181st Infantry Regiment, and the 182nd Infantry Regiment, all of the Massachusetts Army National Guard. These four units are the descendants of the original three militia regiments organized by colonial Massachusetts legislation on December 13, 1636. The Militia Act of May 8, 1792, permitted militia units organized before the May 8, 1792, to retain their customary privileges. This provision of the militia act was perpetuated by the Militia Act of 1903, the National Defense Act of 1916, and by subsequent law. National Guard, “National Guard Birth Date,” National Guard of the United States, <http://www.nationalguard.mil/AbouttheGuard/HowWeBegan.aspx> (accessed November 18, 2015).

² Michael Doubler and John W. Listman, Jr., *The National Guard: An Illustrated History of America’s Citizen-Soldiers* (Washington DC: Potomac Books, Inc., 2007), 3-5.

³ Pennsylvania did not establish an organized militia until the middle of the eighteenth century due to the pacifist influence of the Quakers and generally good relations with Native Americans, see Doubler and Listman, Jr., 5.

⁴ Ibid., 7-8.

would have a profound effect on the construct of the continental military organizations in less than two decades.

The Revolutionary War

The successes enjoyed by American militia units in the battles near Lexington and Concord in April 1775, and again on the heights dominating Boston harbor in June 1775, led many to believe that the militia system was sufficient for defending the colonies. Despite the Continental Congress's aversion to the idea of a standing army, it realized the escalation of the conflict necessitated more direct control, and established the Continental Army on June 14, 1775.⁵

General George Washington, Commander-in-Chief of the Continental Army, aggressively pursued initiatives to professionalize the new organization. As Washington progressed, the militia assumed additional duties to include suppressing Native American uprisings, enforcing local laws, and patrolling against slave insurrections.⁶ The exclusive military function in the realm of domestic law enforcement foreshadowed a distinction retained by the militia in the evolution of the republic.

The Constitutional Convention

As commanders, George Washington and Alexander Hamilton led the Federalist coalition at the Constitutional Convention advocating for national standards to regulate a strong, well-trained militia. Anti-Federalists viewed federal control of the military as the primary instrument of tyranny. Opposition by the states' rights advocates to federal controls on the militia was sufficiently tenacious, and their support for the Constitution so

⁵ Antulio J. Echevarria II, *Reconsidering the American Way of War: US Military Practice from the Revolution to Afghanistan* (Washington, DC: Georgetown University Press, 2014), 67.

⁶ Doubler, 12-13.

necessary, that it necessitated a compromise.⁷

The eventual agreement retained state control of the militia with the right to appoint officers and supervise training in Article 1 Section 2 of the Constitution. Authority to prescribe militia organization and training was retained by the Federal government.⁸ Article I, Section 8 of the Constitution grants Congress the power to call out the militia for three specific purposes: to execute the laws of the Union; suppress insurrections; and repel invasions.⁹

Existence of a militia, or National Guard, is enshrined in the Constitution, however, the lack of specificity regarding the right of the states to refuse federal service created conflicts that would not be settled for another 200 years. The Uniform Militia Act of 1792 was the first attempt to establish reliable access to the militia.

The Uniform Militia Act of 1792

The Uniform Militia Act of 1792 served as the primary document addressing mobilization authorities until 1903. It placed restrictions on the length of service and number of men the President of the United States, as opposed to a State Governor, could summon for war.¹⁰ Once federalized, the militia was governed by state laws that usually did not allow the militia to operate outside the borders of their given state, let alone the continental United States.

Friction surfaced in the War of 1812 when states refused to allow their militias to

⁷ Samuel J. Newland, "The National Guard: State versus National Control," *Public Administration Review* Vol. 49, No. 1 (January – February 1989), 69-70.

⁸ Renee Hylton, *Citizen Soldiers: An Illustrated History of the Army National Guard* (Washington, D.C.: National Guard Bureau, Historical Services Division, Office of Public Affairs, 1994), 8.

⁹ Doubler, 18.

¹⁰ United States Congress, Militia Act of 1792 (May 2, 1792), http://www.constitution.org/mil/mil_act_1792.htm (accessed October 12, 2015).

cross over into Canada.¹¹ During the Mexican-American War several governors expressed a reluctance to allow state forces to enter Mexican territory.¹² Further, interpretation of the Uniform Militia Act did not grant the President the right to compel state militias into federal service without the governor's consent. The weaknesses in the Uniform Militia Act of 1792 created the access arguments used to establish the Army Reserve in the twentieth century.

Posse Comitatus

Enacted in 1878, and later codified in 18 U.S.C. § 1385, Posse Comitatus is perhaps the most tangible expression of an American tradition that rebels against military involvement in civilian affairs.¹³ Public sentiment during the Reconstruction Era initiated legal reforms that continued to divide state and federal forces. Congress passed the Posse Comitatus Act in response to the despised federal military presence, and perceived abuses, in the Southern States. Still enforced today, the act prohibits the use of the federal army in civilian law enforcement, unless expressly authorized by the Constitution or an act of Congress.¹⁴ As a part of the federal military, the twentieth century Title 10 Reserves are covered under this provision, restricting them in the same way as their active component counterparts.¹⁵

¹¹ Spencer Tucker, James R. Arnold, Roberta Wiener, Paul G. Pierpaoli, and John C. Fredriksen, *The Encyclopedia of the War of 1812: A Political, Social, and Military History, Volume 1* (Santa Barbara, Calif: ABC-CLIO, 2012), 471.

¹² Newland, 73.

¹³ Jennifer K. Elsea, *The Posse Comitatus Act and Related Matters: A Sketch; A Report Prepared for Members and Committees of Congress by the Congressional Research Service, August 2012* (Washington, DC: Government Printing Office, 2012), 1.

¹⁴ Matthew Carlton Hammond, "The Posse Comitatus Act: A Principle in Need of Renewal," *Washington University Law Review* 75, No. 2 (January 1997): 953, http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1576&context=law_lawreview (accessed November 18, 2015).

¹⁵ Kapp and Torreón, *Reserve Component Personnel Issues: Questions and Answers*, June 2014, 11.

At the close of the nineteenth century, federal access to the only reserve component was a valid issue. In the early 1880's, Colonel Emory Upton began advocating for the abolition of the militia and the creation of a federal reserve force, modeled on the European continental reserve.¹⁶ Although reforms did not occur in the nineteenth century, Upton's beliefs influenced a generation of Active Component (AC) Army officers.¹⁷

¹⁶ Upton, a Brevet Major General and a regular army professional had contempt for militia and any non-professional military. He is often credited as the father of the Reserves. Elihu Root, Secretary of War from 1899 through 1904, favored Upton's ideas, and caused the U.S. Government Printing Office to print the work, *The Military Policy of the United States from 1775* (U.S. Government Printing Office, 1904), two decades after Upton's suicide. For a further review of Upton's influence see James Biser Whisker, "The Citizen-Soldier under Federal and State Law," West Virginia Law Review Vol. 94 (1992): 947.

<http://www.constitution.org/mil/cmt/WhiskerCitizenSoldier.htm> (accessed October 13, 2015).

¹⁷ Bennie J. Wilson III ed., *The Guard and Reserve in the Total Force: The First Decade 1973-1983* (Washington DC: National Defense University Press, 1985) 30.

CHAPTER 2

TWENTIETH CENTURY REFORM

Militia Reform and the Creation of the Army Reserve

The Spanish-American War of 1898 is often cited as providing the impetus for major reforms in U.S. military organization and structure during the first two decades of the twentieth century. States were declining to authorize their troops to serve in the Philippines and other new territories acquired from the war.¹ Looking for solutions, and influenced by Emory Upton's writings on the creation of a federal system of reserve soldiers, Secretary of War Elihu Root began advocating military reform after the war.²

Aware of the growing calls for a federal militia, state's rights proponents assembled a congressional lobbying organization, the National Guard Association of the United States (NGAUS), in 1878. NGAUS built a sizable coalition in the decades preceding the twentieth century.³ The political power of the National Guard prevented the creation of a federal reserve organization, so Root focused on improving the National Guard through greater federal support and training. His reform attempts culminated in the 1903 Militia Act--the first major reform to the militia construct since the 1792 Militia Act.⁴

¹ William J. Taylor, Eric T. Olson, and Richard A. Schrader, *Defense manpower planning: Issues for the 1980's* (Oxford: Pergamon Press, 1981), 122.

² U.S. Department of Defense, Legacy Resource Management Program, *Blueprints for the Citizen Soldier: A Nationwide Historic Context Study of United States Army Reserve Centers* (July 2008), by David W. Moore, Jr., Justin B. Edgington and Emily T. Payne, Open-file report (Washington, DC: Government Printing Office, 2008), 10,

https://www.dot7.state.pa.us/CRGIS_Attachments/Survey/BlueprintsForTheCitizenSoldier%20US%20Army%20Reserve%20Ctrs%20rdcd.pdf (accessed November 19, 2015).

³ National Guard Association of the United States, "About NGAUS," <http://www.ngaus.org/united-voice-national-guard> (accessed November 20, 2015).

⁴ Richard B. Crossland and James T. Currie, *Twice the Citizen: A History of the United States Army Reserve, 1908-1995* (Washington, DC: Government Printing Office, 1984), 12-13.

The 1903 Militia Act further defined roles and responsibilities of the National Guard. The Act gave the War Department the authority to inspect and regulate National Guard units and hold them to a uniform Army standard. In return, the War Department would provide funding to the states for their National Guard forces. Governors still held authority over National Guard units in their state, but the units could be called up by the President for a period of nine months.⁵

Despite Congressional desire to retain the state militia system, the advocates of creating federal reserve components realized a substantial gain in 1908 when Congress established a Medical Reserve Corps to address medical inadequacies identified during Spanish-American War.⁶ In 1912, Congress created a provision to expand the Medical Reserve Corps, allowing the formation of an Army Reserve.⁷

Reform continued through the next decade culminating in the National Defense Act of 1916. The law required National Guard members to take a dual oath to the nation and their state, enabling the president to “federalize” them and even send them overseas.⁸ The act continued to expand the role of the Army Reserve. The Army Reserve grew to provide the federal government with a sizable force that could mobilize by order of the secretary of war, with presidential approval, removing the obstacle of state acquiescence.⁹

Amendments to the Militia Act of 1903 and successive National Defense Acts

⁵ Jerry Cooper, *The Rise of the National Guard: The Evolution of the American Militia, 1865-1920* (Lincoln, NE: University of Nebraska Press, 1997), 108-127.

⁶ Crossland and Currie, 12-13.

⁷ Ibid., 17-24.

⁸ John Whiteclay Chambers II, "National Defense Acts," The Oxford Companion to American Military History, 2000, <http://www.encyclopedia.com/doc/1O126-NationalDefenseActs.html> (accessed October 13, 2015).

⁹ Doubler, *The National Guard and Reserve: A Reference Handbook*, 72-73.

designated the National Guard a reserve component of the Army in 1933. The designation officially codified dual status--Guard members were part of their state militias and members of a reserve component. The amendments were thought to end the argument that the National Guard was not a dependable part of the nation's reserve forces due to its state connection.¹⁰ In reality, access would be a valid issue for another 57 years. Reforms were modernizing the usage of the Guard in parallel with the growth of the new Army Reserve, but it would only be 14 years until the first recommendation to merge the components occurred.

The Maritime Reserves

Serious opposition to federal control of maritime services never materialized from the states, or National Guard lobby. From 1888 to 1918, the militia would defend inland ports and coastal waterways as part of an additional duty. The changing nature of naval warfare, cost of maintaining a deep water maritime fleet, and the land-locked geography of many states, did not engender support for a state-controlled naval reserve construct. Naval militias could not survive without Federal appropriations and failed to demonstrate to the states any political advantage in maintaining seagoing National Guardsmen.¹¹

The Naval Appropriations Act of 1916 established the United States Naval Reserve and the United States Marine Corps Reserve.¹² However, as Title 10 federal

¹⁰ Samuel J. Newland, *The Militia's Role in National Defense: A Historical Perspective* (Pennsylvania: Strategic Studies Institute, US Army War College, 1987), 20.

<http://www.dtic.mil/dtic/tr/fulltext/u2/a182616.pdf> (accessed October 13, 2015).

¹¹ Mark J. Denger, "California Naval History: The Genesis of the Naval Reserve," California State Military Department, <http://californiamilitaryhistory.org/NavRes.html> (accessed November 22, 2015).

¹² United States Marine Corps History Division, "Highlights of Marine Corps Reserve History: 1916-2006," Official United States Marine Corps History, http://www.mcu.usmc.mil/historydivision/pages/frequently_requested/Highlights.aspx (accessed November 22, 2015); United States Navy Reserve, "Establishment of the United States Navy Reserve," Navy Reserve Centennial, <http://navyreservecentennial.com/history/> (accessed November 22, 2015).

components they remain subject to the Posse Comitatus Act, restricting their usage in support of many domestic operations.¹³

The Coast Guard fills the maritime void in resourcing domestic security operations. The service is not under the DoD structure, and thus not governed by Title 10. The Homeland Security Act of 2002 transferred the Coast Guard and Coast Guard Reserve from the Department of Transportation to the newly-created Department of Homeland Security, where they serve in a Title 14 status.¹⁴ Title 14 allows the Coast Guard to conduct maritime domestic law enforcement missions and respond to homeland emergencies, in contrast to the Navy and Marines.¹⁵

The Air Force Reserve and Air National Guard

The National Security Act of 1947 authorized the Air Force as a separate service. Spirited debate with regard to the question of reserve components preceded the act. Commanding General of the Army Air Forces, Hap Arnold believed that reservists could not operate modern weapons without extensive post-mobilization training. Arnold promoted the creation of a robust active component of approximately one million Airmen without any type of reserve. He pressed for complete independence from the Army, Navy, and state governors.¹⁶

¹³ Gary Felicetti and John Luce, "The Posse Comitatus Act: Setting the record straight on 124 years of mischief and misunderstanding before any more damage is done," *Military Law Review* Vol 175 (March 2003): 86-183; See also, Department of Defense, *DoD Instruction 3025.21: Defense Support of Civilian Law Enforcement Agencies* (Washington DC: Department of Defense, February 27, 2013), 1-42, for the application of policy to Reserve Components.

¹⁴ United States Congress, *Homeland Security Act of 2002*, https://www.dhs.gov/xlibrary/assets/hr_5005_enr.pdf (accessed November 11, 2015).

¹⁵ United States House of Representatives, Office of the Law Revision Counsel, *14 USC PART II: COAST GUARD RESERVE AND AUXILIARY*, <http://uscode.house.gov/view.xhtml?path=/prelim@title14/part2&editio n=prelim> (accessed October 10, 2015).

¹⁶ Charles J. Gross, *The Air National Guard and the American Military Tradition* (Washington, DC: Government Printing Office, 1995), 57-59.

The National Guard mobilized its political clout for the fight to structure the Air Force. A permanent headquarters was established in Washington, DC for a lobbying effort by NGAUS and the influential Adjutant Generals Association. Army Chief of Staff George Marshall convinced General Arnold that a protracted fight within the context of accelerating post-war budget cuts would jeopardize the momentum toward a separate Air Force component.¹⁷

Compromise prevailed with the creation of a federal Air Force Reserve and an Air National Guard. The agreement resembled the Army components construct. Administration of the Air Guard was granted to the National Guard Bureau, which would remain under the Department of the Army. Legislation to appease Air Force concerns over Army interference limited the National Guard Bureau's power to interfere with Air Force operations through the Bureau's divisions.¹⁸

Arnold's insistence on an exclusive active duty force may have been fiscally unfeasible, however, the resulting comprise, a dual reserve component mirroring the reserve structure of the Army, was a less than enlightened decision. Concurrent with the brokerage of the Air Force compromise, the Army's dual component system was receiving criticism for duplicity and inefficiency. Within a year of the creation of the Air Force dual components, the Gray Board released the first serious criticism of maintaining a dual reserve component system, recommending each Service only have one reserve.¹⁹

¹⁷ Ibid., 60-61.

¹⁸ John Mahon, *History of the Militia and the National Guard*, (New York: Macmillan, 1983), 203.

¹⁹ I.M. McQuiston, "History of the Reserves Since the Second World War," *Military Affairs* 17, no. 1 (1953): 23-24.

CHAPTER 3

ATTEMPTS TO CONSOLIDATE THE DUAL COMPONENTS

Gray Board

Several previous studies have considered the consolidation of the Army and Air Force dual components. The first major post–World War II study examining the need for multiple inter-service reserve forces was the Gray Board, convened by Secretary of Defense Forrestal in 1947.¹ A recommendation to merge the National Guard and Reserves into a federally controlled force called the “National Guard of the United States” was returned by the Board.²

While retaining the title of “National Guard”, the effect of the proposal would transform the National Guard into a Title 10 reserve construct. Gray Board members based their conclusion on the availability of the National Guard, stemming from Guard’s peacetime control by the state governors, and their willingness to supply forces in the era of the Cold War.³

The National Guard Association of the United States (NGAUS) attacked the recommendation for a single national reserve force as "unconstitutional, un-American contrary to our concept and philosophy of life...ill-advised and illegal."⁴ President Truman regarded the merger as politically too difficult and impeding on numerous Constitutional and statutory laws ensuring state control of the militia.⁵ Given the

¹ McQuiston, “History of the Reserves Since the Second World War,” 23-27.

² Michael D. Doubler, *Civilian in Peace, Soldier in War-The Army National Guard, 1636–2000* (Lawrence, Kansas: University Press of Kansas, 2003), 229.

³ Doubler, 229.

⁴ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge: Belknap Press of Harvard University Press, 1957), 172.

⁵ Betty Kennedy, *Turning point 9.11: Air Force Reserve in the 21st Century, 2001-2011* (Robins AFB, Georgia: Air Force Reserve Command, Director of Historical Services, 2012), 8.

political and legal issues surrounding the Gray Board's recommendations, Secretary Forrestal refused to endorse the findings.⁶

LeMay

Ten years later, Vice Air Force Chief of Staff General Curtis E. LeMay re-opened the debate of dual reserve component mergers. Speaking at a Reserve Forces seminar at the Pentagon, he suggested that having two reserve components was costly and inefficient. General LeMay acknowledged the need for a single air reserve, and insisted that it be properly resourced and trained. His argument stressed that a singular reserve would increase effectiveness and allow for the diversion of savings to the active component.⁷

LeMay intended to stimulate creative thinking within the air community about restructuring the force. Instead, it stimulated a firestorm of protest from the Air National Guard. Perceiving a threat to the Guard's existence, NGAUS suggested that General LeMay was "flying off course" and his "qualifications and continued usefulness be re-evaluated."⁸

McNamara

Secretary of Defense McNamara proposed merging all Army and Air Force reserve components under the management of the National Guard Bureau in 1964.⁹ The

⁶ Library of Congress, Federal Research Division, *Historical Attempts to Reorganize the Reserve Components*, (October 2007), by Alice R. Buchalter and Seth L. Elan, Open file report, Library of Congress (Washington, DC, 2007), 2-3.

⁷ Gerald T. Cantwell, *Citizen Airmen: A History of the Air Force Reserve, 1946-1994* (Washington, DC: Government Printing Office, 1994), 173.

⁸ Ibid.

⁹ United States House of Representatives, Committee on Armed Services, *Merger of the Army Reserve Components (March-September 1965)*, Government Printing Office (Washington, DC, 1965). The record of a 1965 Congressional hearing in response to Secretary McNamara's proposal in 1964 to consolidate the reserves into the National Guard.

Secretary of the Air Force approved of the plan “in principle” for an eventual “merger” of the Air Force Reserve and Air National Guard.¹⁰ McNamara testified before the House Armed Services that continuing the existence of two Army reserve components made no more sense in the 1960’s than when the Gray Board recommended a merger in the 1940’s. He based the recommendation to transfer Army Reserve units into the National Guard on two major considerations. The governor of each state needs a military force to deal with natural disasters and perform law enforcement functions. Moreover, McNamara emphasized, “as the lineal descendants of the state militia, the guard units were deeply imbedded in the Constitution...”¹¹

McNamara introduced his plan at a press conference prior to his Congressional testimony. He intended to implement the plan under the Department of Defense’s (DoD) interpretation of existing statutory authority, allowing the Secretary of Defense to effect reorganizations within the defense establishment.¹² In a bi-partisan fashion, Congress did not share DoD’s opinion. A majority of Congress took exception to what they saw as a usurpation of their authority, alleging McNamara violated the Constitution.¹³

Congressman Edward Hebert (D-LA) objected to being “told” rather than “consulted” about the merger plans. The House Armed Services Committee Chairman,

¹⁰ Andrew B. Davis, *Testimony of the Reserve Officers Association National Commission on the Structure of the Air Force*, (27 August 2013), https://www.roa.org/sites/default/files/migrate/documents/Air_Force_Commission_testimony_8-27-13_1.pdf?docID=42601&AddInterest=1621 (accessed October 13, 2015).

¹¹ Cantwell, 236. For McNamara’s testimony see, House Armed Services Committee, *Hearings on Military Posture and H.R. 4016 to Authorize Appropriations during Fiscal Year 1966 for Procurement of Aircraft, Missiles, and Naval Vessels, and Research, Development, Test, and Evaluation, for the Armed Forces, and for Other Purposes*, 89th Cong., 1st sess.

¹² Congressional Quarterly Almanac, “Reserve Merger Plan,” CQ Almanac Online Edition, *CQ Almanac 1965*, 21st ed, (Washington, DC: Congressional Quarterly, 1966), 692-96, <http://library.cqpress.com/cqalmanac/cqal65-1260047> (accessed November 26, 2015)

¹³ Levantrosser, “The Army Reserve Merger Proposal,” 138-142.

L. Mendel Rivers (D-SC), supported Hebert, insisting that the DoD was obligated to consult Congress on any proposed merger.¹⁴ Sen. Strom Thurmond (R-SC), a member of the Senate Preparedness Subcommittee, was angered that McNamara had “made no mention that Congressional approval would be necessary.”¹⁵

President Lyndon Johnson, the Secretary of the Army, NGAUS, and a bi-partisan majority of state governors supported the plan. Senate Minority Leader Everett Dirksen (R-IL) endorsed the reserve merger. Dirksen noted that the promised saving of 150 million dollars a year “is something that you just don’t brush off lightly.”¹⁶ The majority of Congress opposed the plan on the grounds of Constitutional authority. The Reserve Officers Association (ROA) opposed the measure as an immediate loss of readiness by conducting a reorganization during the escalation of forces in Vietnam. The ROA sent a letter to President Johnson stating “a move stimulated purely for money-saving purposes without regard of objective analysis” would constitute a “change in the defense posture of our country of monstrous proportions.”¹⁷ Johnson replied saying the proposed reorganization was “both prudent and wise.”¹⁸

In the end the plan failed to materialize. Congress never disproved, or centered their arguments on, the assertion that a single Army Reserve component would be more efficient than the existing two.¹⁹ Debate devolved into a battle between executive and legislative branch authorities, and personal animosities over the introduction of the plan.

¹⁴ Cantwell, 236.

¹⁵ Congressional Quarterly Almanac, 692-96.

¹⁶ E. W. Kenworthy, “Dirksen Urges G.O.P. to Keep Watch on Rights,” *New York Times*, December 21, 1964, http://www.nytimes.com/1964/12/21/dirksen-urges-gop-to-keep-watch-on-rights.html?_r=0 (accessed November 26, 2015); The \$150 million is in 1964 dollars, not adjusted for inflation.

¹⁷ Ibid.

¹⁸ Congressional Quarterly Almanac, 692-96.

¹⁹ Cantwell, 236.

CHAPTER 4

THE TWENTY-FIRST CENTURY REFORM DEBATE

Federal Access to National Guard Units

The concern of placing all reserve units under the control of governors, and thus making it harder to call them up for federal missions, is as old as the militia system. The Reserve Officers Association continues to center their opposition to a merger on the access point today.¹ This study outlined numerous attempts, from the Constitution to the codification of National Guard dual status in The National Guard Mobilization Act of 1933, to eliminate the challenges posed to accessing the militia. Two events in the latter half of the twentieth century, involving civil rights and National Guard deployment overseas, settled the debate.

The enforcement of civil rights laws in the 1950's and 1960's placed the federal government in direct confrontation with several state governments. In 1957, Arkansas Governor Orval Faubus mobilized the Arkansas National Guard to defy a court order permitting nine black students from attending an all-white High School in Little Rock. President Dwight Eisenhower took action by utilizing Section 333 of Title 10, U.S. Code, allowing the President to intervene with Title 10 troops if law enforcement cannot, will not, or actively obstructs, the laws of the United States to protect its citizens.²

Eisenhower federally mobilized the entire Arkansas National Guard, over the objection of Faubus, and ordered the Guard to stand down. The Arkansas National Guard, transferring to a Title 10 status, complied with the President's order, and

¹ William Matthews, "Talk Of Merger," *The Officer* 89, no. 1 (2013): 22-25.

² Paul J. Scheips, *The Role of Federal Military Forces in Domestic Disorders, 1945-1992* (Washington, D.C.: Center of Military History, U.S. Army, 2005), 46-51.

cooperated with the active duty's 101st Airborne to enforce the court order.³ Presidents Kennedy and Johnson followed similar mobilization protocols to federalize the National Guard, over the protest of the governors, to deal with similar issues in Mississippi and Alabama in the 1960's.⁴

President Reagan's attempt to deploy National Guard troops to Honduras in 1986 precipitated a seminal lawsuit regarding mobilization and deployment of the National Guard. The mission consisted of training and building roads, however, the Governors of Maine, Massachusetts, Arizona, and Ohio refused the mobilization order for their troops. Governors from Vermont and Washington said they would refuse troops if asked for them. The governors believed the real purpose was to intimidate the communist leaning Sandinista government in Nicaragua. Several governors sued on Constitutional grounds, believing the President could not mobilize and deploy troops overseas without gubernatorial consent. It took four years to resolve the question, but the Supreme Court sided with the Federal Government.⁵

Citing twentieth century reform case law and the Constitution, in a unanimous opinion, the Supreme Court conclusively determined that the federal government could mobilize the National Guard, and utilize them outside the continental borders, without the affirmative consent of the governor.⁶ The 1990 Perpich opinion settled the argument of access to National Guard units. The nation completed a cycle, moving from a wholly

³ Ibid.

⁴ Bonnie Baker, Jennifer K. Elsea, and Charles Doyle, *The Posse Comitatus Act and Related Matters: Current Issues and Background* (Hauppauge, NY: Novinka Books, 2004), 40.

⁵ Matthews, 25.

⁶ U.S. Supreme Court, *Perpich v. Department of Defense No. 89-542*, (1990). Argued March 27, Decided June 11, 1990, <https://supreme.justia.com/cases/federal/us/496/334/case.html>, (accessed October 14, 2015).

state controlled militia system to a militia that, for all intents and purposes, belongs to the federal government, and is under its orders, whenever and however the national government wills and legislates.⁷ A governor's right of refusal for a unit no longer exists.

Fading Distinction

The creation of the reserve components at the turn of the twentieth century addressed the challenges of federal access to state militias. Reforms throughout the decades began to fade distinctions regarding state and federal reserve components. Pay, required drill periods, annual training, and proficiency in military occupational skills, are the same for all reserve components. With Perpich, all units are subject to mobilization in support of conflicts, exercises, or training, without the affirmative consent of a governor. However, many proponents of maintaining the dual reserve component structure continually refer to the “unique” or “distinct” capabilities each has to offer. Deeper analysis of each components responsibilities reveals a different story.

Air Force

Domestic politics, and the active component insistence on a federal reserve, drove the creation of a three component system in the Air Force. Through a series of compromises between state governors and proponents of the federal reserve, the Air Force adopted the Army component model at its creation.⁸ Distinctions in the Air Guard and Air Force Reserve are hard to identify given the types of missions and equipment they were assigned after the Korean War. The Air Guard assumed continental U.S. air

⁷ James Biser Whisker, “The Citizen-Soldier under Federal and State Law,” *West Virginia Law Review* Vol. 94 (1992): 947.

⁸ Susan Rosenfeld and Charles J. Gross, *Air National Guard at 60: A History* (Arlington, VA: Air National Guard, 2007), 5-7.

defense, absorbed additional missions in the Tactical Air Command that included fighters and troop transporters aircraft, and conducted reconnaissance, heavy equipment lift, and medical evacuation missions. The Air Force Reserve was similarly equipped, and duplicated many of these same missions.⁹

The Air Force evolution embodies the concept of Total Force Integration (TFI), further distorting the distinction justification. The Air Force mans and trains on weapons systems, or platforms, as opposed to the unit-centric approach of the Army. The Air Force combines weapons systems, as opposed to units, from all components into force packages tailored to an operational commander's particular requirements.¹⁰ In addition, the service routinely uses both the Air National Guard and Air Force Reserve in real world missions, without the need to mobilize units, by using individual volunteers.¹¹ Deploying as force packages, rather than units, it is rare to see an Air Force mobilization request that does not contain component integration at the individual level. In most instances the individuals fly the same aircraft or provide the same support activities.¹²

The use of Associate Units, integrating all three Air Force components, fails to provide differentiation within the service. In Associate Units, the active component owns and maintains the equipment—the aircraft—but reserve component aircrews, from the Reserve and Guard, operate them by taking turns with active force aircrews in performing similar missions on the same equipment. While the contribution to the concept of a total

⁹ Charles E. Heller, "Total Force: Federal Reserves and State National Guards," (Monograph, Strategic Studies Institute, U.S. Army War College, 1994), 26.

¹⁰ Roger Allen Brown et al., *Assessing the Potential for Using Reserves in Operations Other Than War* (Santa Monica, CA: Rand Corporation, 1997), 47.

¹¹ Heller, 26.

¹² The author assisted the Service Staffs and briefed all reserve component mobilizations, on a weekly basis, to the Under Secretary of Defense for Personnel Readiness from July 2012 to July 2015.

force is laudable, it fails to make an argument for having similar capabilities in dual reserve components, each with costly and redundant headquarters.

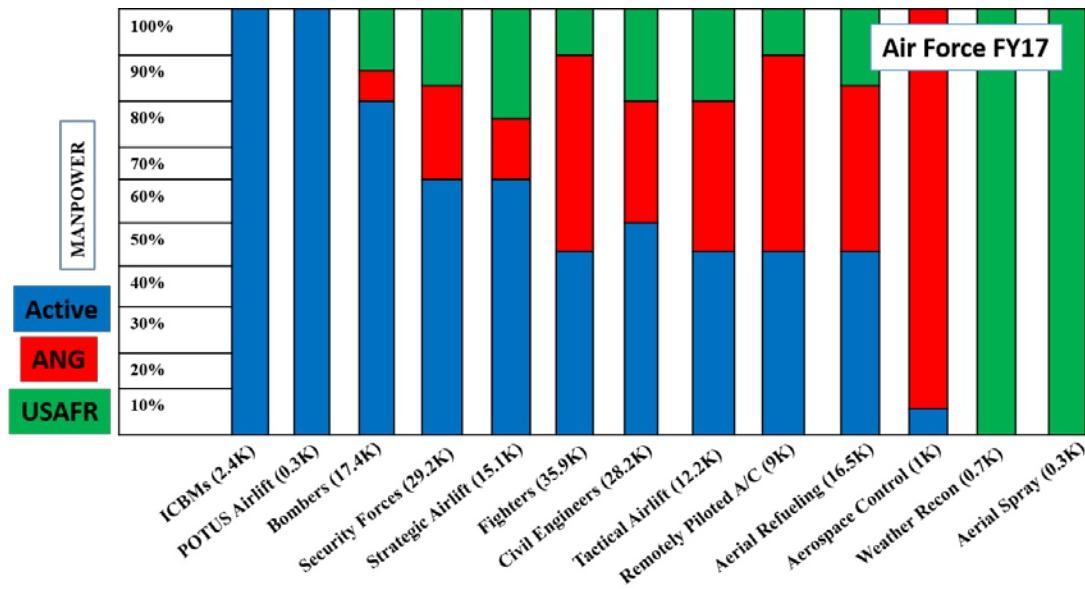


Figure 1. Projected distribution of unit force structure in the FY17 Air Force¹³

Figure 1 illustrates the overlap of manpower in Air Force capabilities. The Active Component performs the ICBM and Presidential Airlift missions. Weather Reconnaissance, Aerial Spray, and Aerospace Control are the only capabilities found exclusively in one reserve component. The Department of Defense rationale for giving the Air Force Reserve sole responsibility for Weather Reconnaissance and Aerial Spray were that they had no overseas requirement and were low steady state operations, meaning it was not cost effective to use Active Component personnel for low demand, low density missions.¹⁴ No reasoning was presented for why the Air Force Reserve, as opposed to the Air National Guard, is uniquely suited for this distinction in the force

¹³ U.S. Department of Defense, Office of the Secretary of Defense, *Report to the Congress: Unit Cost and the Readiness for the Active and Reserve Components of the Armed Forces*, (Washington, DC: Government Printing Office, 2013), 13.

¹⁴ Ibid.

structure. Further, the domestic missions of the National Guard appear to provide reasoning for the placement of the two capabilities in the Guard structure. Weather Reconnaissance capability would aid the Guard in gathering meteorological intelligence in preparation for hurricane or tornado domestic support operations. Placement of Aerial Spray capabilities in the Guard would allow governors to combat the growth of invasive plant species and combat mosquito populations in their states.

Based on unique abilities, there is no reason why the Aerospace Control reserve mission is exclusive to the National Guard. The mission calls for the Air Force to provide around-the-clock alert teams ready to launch fighters, and other aircraft, at a moment's notice for a rapid response to airborne threats and air emergencies. The intent is to prevent another 9/11 style attack. The Guard is the primary sourcing agent for the mission as part of its Homeland Defense mission.¹⁵ However, should a homeland attack occur, it would be a matter of national defense, not law enforcement, eliminating any concerns over Posse Comitatus. There does not appear to be any credible reason for the maintenance of two reserve components to meet the capabilities outlined by the Department of Defense in Figure 1.

Army

The 1993 Offsite Agreement between senior leadership of the regular Army, ARNG, USAR, and the associations representing their members, continues to guide the decisions regarding the alignment of combat arms, combat support, and combat service support force structure between the ARNG and USAR. The agreement specifies the

¹⁵ Becky Vanshur, "D.C. Air Guard Reaches Historic Milestone of 5,000 Alert Calls in Nation's Capital Airspace," National Guard Press Release, March 23, 2015, <http://www.nationalguard.mil/News/ArticleView/tabid/5563/Article/581272/dc-air-guard-reaches-historic-milestone-of-5000-alert-calls-in-nations-capital.aspx> (accessed November 28, 2015).

ARNG retains a mix of combat arms and support structure, while the USAR, which divested its combat arms, retains combat support, and combat service support capabilities.¹⁶

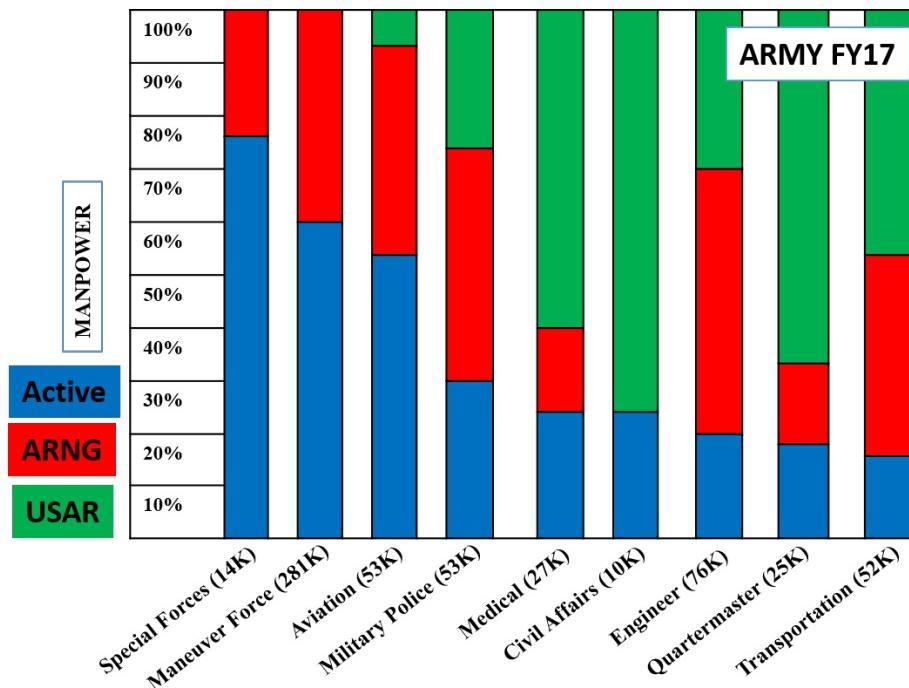


Figure 2. Projected distribution of unit force structure in the FY17 Army¹⁷

Figure 2 illustrates a significant overlap of the type of units in the reserve components. In accordance with the 1993 agreement, the ARNG owns all off the reserve combat forces depicted, however, most combat support functions are equally represented. The unique need for two reserve components to specialize in specified support functions is absent. Civil Affairs capabilities, which the USAR shares with the Active Component, is the only unique difference between the reserve components in combat support units. However, the Civil Affairs distinction illustrates more issues with the two reserve

¹⁶ Senate, *Senate Report 113-176 - Carl Levin National Defense Authorization Act For Fiscal Year 2015*, 113th Congress, secs. 1701-1709.

¹⁷ Department of Defense, *Report to the Congress: Unit Cost and the Readiness for the Active and Reserve Components of the Armed Forces*, 11.

component structures.

Colonel Raphael Duckworth, a student at the Army War College, provides an example of the weakness in splitting capabilities among the reserve components. Civil Affairs works closely with Special Operations units. Duckworth argues the decision to transfer Civil Affairs out of the Active Duty and National Guard who both field Special Forces units, to the Reserves who do not have Special Forces units, severely degrades the combat multiplying effect of each. The disciplines contained in Civil Affairs are integral to the Special Forces attempts at winning indigenous support through coordinated projects. The divide leaves a gulf in coordinated training and planning.¹⁸ Civil Affairs are an integral tool in the Special Operations community, yet exist predominately in a component without Special Operations. Combining the Army National Guard and Army Reserve structures would close this gap, improve Special Forces-Civil Affairs readiness, and save overhead.

Federal Access to Individuals

Laws providing access to individual, not unit, mobilization are often cited by proponents of a dual reserve. The five federal reserves maintain individual capabilities, such as the Individual Ready Reserve and Individual Mobilization Augmentation (IMA) programs to provide the active components individual billets on short notice.¹⁹ Individuals in the programs are not generally assigned to units and provide administrative

¹⁸ Raphael Semmes Duckworth, "The 1993 Offsite Agreement: Undermining Goldwater-Nichols and Special Forces Capabilities," (Strategy Research Project, United States Army War College, 2007), 12-14: The amount of Civil Affairs force structure has increased to almost 25% in the Active Component, from 3% in 2007.

¹⁹ U.S. Government Accountability Office, Report to Congressional Requesters, *Defense Management: Actions Needed to Ensure National Guard and Reserve Headquarters Are Sized to Be Efficient* (November 2013), 8, <http://www.gao.gov/assets/660/658978.pdf> (accessed November 29, 2015).

or professional functions, such as doctors. Utilization of IMAs is more common in the Navy and Air Force than in the Army and Marines.²⁰

The National Guard can, and does routinely, provide individuals through the Worldwide Individual Augmentation System (WIAS) for the same type of assignments, however, individuals from the Guard require consent from their governor.²¹ Governors usually delegate the authority to The Adjutant General (TAG) of the state. Guard individuals are rarely declined for volunteer active duty tours unless they are deemed vital to state functions or facing personnel actions. The consent distinction did not pose any significant issues in the last decade of large scale mobilizations. A typical week in 2012 had 12,519 National Guard, and 9,010 Army and Air Force Reserve personnel serving in volunteer operational support billets.²²

While the distinctions are fading between the reserves, those continuing to exist are not necessarily optimal. The National Guard specializes in divisional level combat support, where the Army Reserve specializes support at corps levels and above, and training support.²³ The Army Reserve retains a robust IMA population as trainers, however, many of the Soldiers they train and certify at Mobilization Platforms are combat arms, a career path Army Reservists do not currently have the opportunity to explore in their component.

Unfortunately, the Army components do not have programs similar to Associated

²⁰ Brown et al., *Assessing the Potential for Using Reserves in Operations Other Than War*, 48.

²¹ National Guard, “Worldwide Individual Augmentation System,” National Guard, <https://wias.pentagon.mil/> (accessed November 29, 2015).

²² Department of Defense, *Report to the Congress: Unit Cost and the Readiness for the Active and Reserve Components of the Armed Forces*, 27.

²³ Office of Army Reserve, *Army Reserve, A Concise History* (Fort Bragg, North Carolina: United States Army Reserve Command, 2013), 4-10.

Units in the Air Force, and rarely train together, outside of occasional exercises. The lack of opportunity for billets, at the different levels contained in two components, restricts a Soldier's ability for career enhancement. The distinctions in the reserve components are primarily driven by force structure, no longer access or training. Combining both reserve components would enable greater integration of training, reduce overhead cost, and provide a wider range of career opportunities.

Cost Savings

The modern Army and Air component Guard and Reserves require duplicative headquarters, providing essentially identical services and capabilities, while competing with each other for missions and resources.²⁴ A reasonable assumption can be made that there is considerable cost savings to be achieved, but a modern estimate of potential savings has not been conducted in almost 20 years, restricting debate to speculation.

In 2013, U.S. Representatives Mike Coffman (R-CO) and Jim Cooper (D-TN) asked the Government Accountability Office (GAO) to conduct a study in preparation for a merger debate. Rep. Coffman asked the rhetorical question, "Why do we need an Army and Air National Guard and an Army and Air Force Reserve? In short--we don't." Continuing to lay out his argument, Rep. Coffman estimated a merger would save billions of dollars.²⁵ However, the initiative stalled when the GAO did not provide any figures later that year.

²⁴ Richard A. Platt, "Merge Guard and Reserve," *Armed Forces Journal*, (April 1, 2013) <http://www.armedforcesjournal.com/merge-guard-and-reserve/> (accessed December 30, 2015); Major General Platt's comments are very similar to the observations of Rep. Coffman's article in the Washington Examiner, see Mike Coffman, "We Must get Restructuring our Military Right," *The Washington Examiner*, February 2, 2012, http://washingtonexaminer.com/we-must-get-restructuring-our-militaryright/article/217951#.UO71vOTC2_k (accessed January 6, 2016).

²⁵ Mike Coffman, "We Must get Restructuring our Military Right"

In December 2013, the GAO cited a lack of accountability in data points throughout the DoD to sufficiently study the matter.²⁶ Lack of transparency in the reserve components bureaucracies prevented the GAO from providing members of Congress a definitive cost model for comparisons in 2013. The GAO found processes intended to efficiently size and oversee RC headquarters have not been consistently applied, leading to inaccurate, or insufficient data.²⁷ Such a wasteful and inefficient business model is seldom tolerated in the civilian corporate world and in the current era of declining DoD resources politicians and government leaders should not permit it in the government either.

In 1997, the Congressional Budget Office (CBO) conducted the last official government study regarding possible savings involving a merger of reserve components. The CBO recommended merging the Army Reserve into the National Guard as a cost savings measure. The study found merging the components would save money by eliminating administrative organizations within the Reserve. According to the report, up to 43,000 redundant positions could be eliminated from the Reserve after the merger. The estimated cumulative savings of \$500 million a year, or \$2 billion dollars over a five year period, is the most recent figure provided by the government.²⁸

Air Force Reserve and Air Guard structures were not included in the nineteen year old figures. However, in testimony provided to the 2013 National Commission on the Structure of the Air Force, five retired major generals used the estimates as a

²⁶ Fred Minnick, "In the Crosshairs," *The Officer*, March-April 2014, 23-26

²⁷ U.S. Government Accountability Office, *Defense Management: Actions Needed to Ensure National Guard and Reserve Headquarters Are Sized to Be Efficient* (November 2013), 18.

²⁸ Congressional Budget Office, *Reducing the Deficit: Spending and Revenue Options* (March 1997), 66, <https://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/0xx/doc06/doc06.pdf> (accessed December 29, 2015).

comparative point in advocating for a merger of the air components.²⁹ They collectively argued that both organizations provide essentially identical services and capabilities, while competing with each other for the same resources, creating waste and inefficiency.³⁰ The generals testified that combining the Air National Guard and the Air Reserve into one organization could save billions of dollars.³¹

Modern cost savings claims are countered by the Reserve Officers Association (ROA) due to their reliance on figures from 1997. Arguments from the ROA cite comments from Secretary of Defense James R. Schlesinger, in 1974, stating “the small savings realized by combining the administrative headquarters could be offset by losses in combat readiness caused by a total reorganization of the...structure.”³² Utilizing a 40 year old non-empirical opinion from Secretary Schlesinger as reason to retain the current wasteful alignment is suspect.

Wholesale force structure realignment dictated in the 1993 Offsite Agreement changed the make-up of the components. The redundancy in the current force structure,

²⁹ The white paper was presented by two Air Reserve and three Air Guard retired major generals. The generals are Reservists Thomas Dyches, former assistant to the chairman of the Joint Chiefs of Staff for Reserve matters, and H.H. “Bugs” Forsythe, who served as mobilization assistant to the commander of 9th Air Force; Guardsmen John A. “Andy” Love, former special assistant at U.S. Northern Command, Richard A. Platt, former assistant to the Director of the Air Guard, and Frank Scoggins, former Assistant Adjutant General of the Washington National Guard, see *Official Statement on A Unified Air Reserve Component* <http://afcommission.whs.mil/public/docs/meetings/20130827/Statement%20and%20paper%20of%20Dyches%20et%20al%20on%20a%20unified%20USAF%20air%20reserve%20component.pdf> (accessed December 29, 2015).

³⁰ Richard A. Platt, “Viewpoint: Restructuring Military-Time to get it right,” *The Republican*, February 5, 2012.

³¹ Tommy Dyches et al., *Official Statement on A Unified Air Reserve Component*, written testimony submitted to the National Commission on the Structure of the Air Force, August 21, 2013 <http://afcommission.whs.mil/public/docs/meetings/20130827/Statement%20and%20paper%20of%20Dyches%20et%20al%20on%20a%20unified%20USAF%20air%20reserve%20component.pdf> (accessed December 29, 2015).

³² Andrew Davis, *Testimony of the Reserve Officers Association*, written testimony submitted to the National Commission on the Structure of the Air Force, August 27, 2013 http://www.roa.org/sites/default/files/migrate/documents/Air_Force_Commission_testimony_8-27-13_1.pdf?docID=42601&AddInterest=1621 (accessed December 29, 2015).

presented earlier in this chapter, would not appear to undermine combat readiness. Simply changing the higher command for where units report, when the higher commands already administer the same type of units, will not reduce combat readiness. However, the lack of a definitive cost model is a current deficiency in formulating a convincing argument for merger based on cost alone.

In the absence of hard figures, the military should not be averse to looking at the trends in the private sector in determining cost efficient business practices. When large organizations in the private sector grow and mature it becomes advantageous to explore options to gain efficiencies. For example, most of the oil “Supermajors” reduce their operating costs by employing strategies such as mergers, resulting in the downsizing of existing staff.³³ Consolidation should not be a foreign concept to the government in preventing inefficient duplication of administrative services.

Large organizations with similar business models in an industry, like the airlines, gain efficiencies through economies of scale.³⁴ Individual airlines grew large and inefficient over time. From 2000 to 2009, U.S. airlines lost \$45 billion dollars. A series of mergers over the last 13 years took ten major U.S. airlines down to four mega-carriers. The current mega-carriers dominate the market without a noticeable reduction in services.³⁵ Savings from mergers, enabling the elimination of unneeded administration and combination of resources formally used to compete with each other, contributed to

³³ Gaurav Agnihotri, “A Closer Look at the World’s 5 Biggest Oil Companies,” OilPrice.com, <http://oilprice.com/Energy/Crude-Oil/A-Closer-Look-At-The-Worlds-5-Biggest-Oil-Companies.html> (accessed December 30, 2015).

³⁴ John Sotham, “Airline Merger Wars: The Battle for the Soul of an Airline,” *Air & Space Smithsonian* 29, no. 7 (March 2015), http://www.si.edu/accessibility/AS_201503 (accessed December 30, 2015).

³⁵ John Hilton, “Is Airline Consolidation Killing Small Airports?,” Central Penn Business Journal, <http://www.cpbj.com/article/20141205/BLOGEXTRA/141209946/is-airline-consolidation-killing-small-airports> (accessed December 30, 2015).

the airline industry's ability to turn a profit in every year since 2010.³⁶ The Army and Air Force dual components are large enough to explore savings through the economy of scale concept.

Improved Homeland Emergency Response

“Defending U.S. territory and the people of the United States is the highest priority of Department of Defense (DoD), and providing appropriate defense support of civil authorities (DSCA) is one of the department’s primary missions,” which is prominently stated in *The Strategy for Homeland Defense and Defense Support of Civil Authorities*.³⁷ National Guard units, in Title 32 status, possess the attributes required to respond to national emergencies within hours and support law enforcement operations, free of the limitations that constrain federal forces, such as Posse Comitatus.³⁸ This provides the National Guard capability to execute a synchronized military response in Homeland Security missions where DoD Title 10 forces are not the most effective, or legal, response.³⁹ The National Guard, as Title 32 soldiers, can deal with civil disturbances, quell prison riots, conduct drug enforcement operations, enforce state borders, and respond to violations of state laws. With the invitation of another governor, other states may send their National Guards to assist.

Expanding the National Guard capabilities through a merger would be a cost

³⁶ Airlines for America Data & Statistics, “Annual Results for U.S. Airlines,” Airlines for America, <http://airlines.org/data/annual-results-u-s-airlines-2/> (accessed December 30, 2015).

³⁷ U.S. Department of Defense, *The Strategy for Homeland Defense and Defense Support of Civil Authorities*, Office of the Secretary of Defense (Washington, DC, 2013), 1.

³⁸ As noted in *The Strategy for Homeland Defense and Defense Support of Civil Authorities*, Title 10 personnel are generally restricted by the Posse Comitatus Act (10 U.S.C. § 375), and DoD policy, from participating in civilian law enforcement activities within the United States. Such restrictions apply to dual-effect military training. The National Guard and Coast Guard are exempt from these limitations.

³⁹ Thomas Goss, “Who’s in Charge? New Challenges in Homeland Defense and Homeland Security,” *Homeland Security Affairs* 2 no. 1 (April 2006): <https://www.hsaj.org/articles/173> (accessed December 30, 2015).

neutral initiative with the Guard presumably receiving the former Reserves operating budget while saving the Government a great deal of overhead costs. Elimination of redundant headquarters increases efficiency and readiness without having to reduce the operative force structure. Many Army and Air Force Reserve units have transportation assets, and capabilities such as engineer, medical, or biological expertise, that can be used in the case of a homeland emergency or support to civil authorities. Major General Stephen Danner, Adjutant General of the Missouri National Guard, stated that merging the Air and Army Reserve into the National Guard would increase the troops governors could call on by 60 percent.⁴⁰ Figure 3, utilizing Fiscal Year (FY) 2016 end strength requests, substantiates MG Danner's statement.

FY 2016 End Strength for the Army and Air Force ⁴¹		End Strength of Components after proposed Merger	Total End Strength of the Title 32 National Guard after Merger
Active Duty Army	475,000	475,000	Current FY 16 ARNG and ANG End Strength 447,500
Army National Guard (ARNG)	342,000	540,000	
Army Reserve (USAR)	198,000	Inactivated	
Active Duty Air Force	317,000	317,000	
Air National Guard (ANG)	105,500	174,700	
Air Force Reserves (AFRES)	69,200	Inactivated	ARNG and ANG End Strength after Merger: 714,700

Figure 3. Current End Strength and possible National Guard End Strength after proposed merger

A merger of the Army and Air Force Reserves into the Army and Air National Guard increases the total end strength of the Guard by 63 percent utilizing the proposed FY 2016 end strength. Savings in manpower will likely reduce the new combined end

⁴⁰ William Matthews, "Talk Of Merger," *The Officer* 89, no. 1 (2013): 25.

⁴¹ U.S. Department of Defense, *United States Department of Defense Fiscal Year 2016 Budget Request Overview*, Comptroller (Washington, DC: Department of Defense, 2015). Figures taken from Chapter 3, page 5 and Appendix 2, page 2.

strength below the 714,700 Guardsmen depicted in Figure 3 with the closure of redundant headquarters identified in a merger. It is beyond the scope of this paper to apply a definitive numerical value to the savings in manpower, however, the proposed increase in Guardsmen available to the states for emergency response and homeland defense is substantial.

In addition to manpower, the National Guard identifies core capabilities necessary to save lives and restore normalcy to communities after a catastrophic event. They are termed the “Essential 10” and consist of: command and control; logistics; aviation; security; engineering; transportation; medical; chemical, biological, radiological, and nuclear operations specialists; maintenance; and communications.⁴² Every one of the Guard’s “Essential 10” capabilities resides in the Reserves.⁴³ The enduring vision of the Guard is to have these capabilities positioned in every state and territory.⁴⁴ A merger would halt battles over redundant force structure to achieve proper sourcing of the Guard’s core capabilities and enhance homeland emergency response.

Opponents of a merger claim the passing of the 2012 National Defense Authorization Act (NDAA) grants federal mobilization authority to call-up Reserve units in response to natural or manmade disasters.⁴⁵ However, the response is cumbersome, as opposed to the National Guard. A state governor must ask for help from the secretary of

⁴² National Guard Bureau, *2014 National Guard Bureau Posture Statement: Sustaining an Operational Force* (Washington, DC: National Guard, 2014), 5-26.

⁴³ Christopher Bellavita, “Merge the Army National Guard and the United States Army Reserve,” Homeland Security Watch, <http://www.hlswatch.com/2012/02/28/merge-the-army-national-guard-and-the-united-states-army-reserve/> (accessed January 8, 2016).

⁴⁴ Association of the United States Army, “The Rebalance of the Army National Guard,” Issue Paper, January 2008, 5, http://www.ausa.org/publications/torchbearercampaign/torchbearerissuepapers/Documents/TBIP_013108.pdf (accessed January 6, 2016).

⁴⁵ National Defense Authorization Act for the Fiscal Year 2012, HR 1540, 112th Cong., 1st sess. (December 31, 2011): 1394.

defense; the president must declare an emergency; National Guard capabilities must be utilized first; and then Reserve forces can be activated within 72 hours.⁴⁶

The first utilization of the new law occurred with the activation of three Army Reserve quartermaster detachments in 2012 to support the Hurricane Sandy response. Mission assignments were generated for the Army Reserve units in New York, however, response occurred several days into the operation. Coordinating with these detachments proved challenging. Interviews with Sandy commanders revealed that an Army Reserve unit on Staten Island was operating outside of the awareness of the incident commander, a National Guard officer.⁴⁷ In addition, the new law does not allow for any activities related to criminal law enforcement without a repeal of Posse Comitatus.

The Missouri Adjutant General, MG Danner, commented on the new ability to request Reserve units by relating it to an emergency response in Missouri. On May 22, 2011, a tornado struck Joplin, killing 158 people and injuring 1,000. The storm destroyed 2,000 buildings and knocked out power and communications. “It happened at 6 p.m. and by 9 p.m. I had Guard units conducting rescue operations,” Danner remarked. He believes the legislation will work if it is a long term operation, “but sometimes you don’t have the luxury of time to move units into position in three or four days.”⁴⁸ Perhaps somewhat ironically, from a homeland defense or Defense Support of Civil Authorities perspective it seems that the “access” argument concerning the mobilization of the Guard is flipped on its head. When emergencies occur, almost by definition, unexpectedly, hours and days matter and it seems that because of its unique and separate status that the

⁴⁶ Dyches et al., *Official Statement on A Unified Air Reserve Component*, 8.

⁴⁷ Ryan Burke and Sue McNeil, *Toward a Unified Military Response: Hurricane Sandy and the Dual Status Commander* (Carlisle Barracks, PN: United States Army War College Press, 2015), 100-102.

⁴⁸ Matthews, 25.

Army Reserves are hard to “access” and often late to respond.

While military assets can provide a valuable service during emergency or civil support operations, establishing a unified effort between Title 10 and National Guard forces has proven to be problematic in past efforts.⁴⁹ U.S. Army Field Manual 3-28, *Civil Support Operations*, describes the command complexities between Title 10 forces and the National Guard conducting simultaneous domestic operations:

There is not a chain of command in the military sense between the President and the Governors. The President as head of the federal government and military commander in chief may only exercise the authorities granted in the Constitution and U.S. law. Within their respective states, the Governors retain executive authority, to include command over their state’s National Guard (Air and Army), until such time as the President mobilizes it for federal service. This is unique to this operational environment, and commanders at all levels need to understand the impact it has on the conduct of operations.⁵⁰

To address the command complexities, the 2012 NDAA grants a responding governor the authority to appoint a National Guard officer as Dual Status Commander to command both state and federal military forces.⁵¹ While dual status command may improve the relevancy of Title 10 forces after an incident, it does not go far enough to maximize their potential.

The Army and Air Force Reserves still reside outside of the state apparatus for emergency contingency planning. The unpredictability of natural, technological, terrorism, and civil hazards, coupled with the potential for intense media scrutiny during an emergency, demands the nation’s governors give increasing attention to planning state

⁴⁹ Burke and McNeil, 12.

⁵⁰ Headquarters, Department of the Army, *Field Manual 3-28, Civil Support Operations* (Washington, DC: U.S. Government Printing Office, August 2010), p. 1-4.

⁵¹ National Governors Association, “Federal Relations,” Council of Governors, <http://www.nga.org/cms/CoG> (accessed January 5, 2016).

emergency management functions.⁵² Dissolving the Army and Air Force Reserve and placing their assets under Title 32 control increases both contingency planning, and timely resourcing, allowing their forces to be relevant and ready to serve the communities where they live.

Greater Advocacy and Opportunity

On November 17, 2008, Air Force Lt. Gen. Craig McKinley became the first four-star general in the 379 year history of the National Guard. Secretary of Defense Robert Gates described the initiative to create a full general's billet in the Guard as recognition of the organization's greater role in national defense. The Defense Secretary went on to describe how the Guard has grown from a neglected strategic reserve into an indispensable component of the global operational military, while retaining its non-stop domestic missions, including law enforcement assistance and natural disaster response.⁵³

A bi-partisan coalition in Congress, led by Senators Patrick J. Leahy (D-Vt.) and Kit Bond (R-Mo.), co-chairmen of the Senate National Guard Caucus, supported the legislation to give the Guard more power. The intent of the legislation was to place the Chief of the National Guard on par with the highest commanders in the U.S. military. Military experts agree that the elevation of the director gives the Guard more clout in discussions about resources and in budgetary matters, allowing frank discussions with the top officers in the military services.⁵⁴

Further legislation demonstrated the increasing support for the National Guard in

⁵² Thomas Drabek and Gerard Hoetmer,eds., *Emergency Management Principles and Practice for Local Government* (Washington, DC: International City Management Association, 1996), 102.

⁵³ Mike Barber, "The Nation's First National Guard Four-Star General," *Seattle Post-Intelligencer*, November 17, 2008.

⁵⁴ Josh White, "Guard's Status Rising with Leader's Rank," *Washington Post*, July 17, 2008.

Congress. The National Defense Authorization Act of 2008 dictates the United States Northern Command (NORTHCOM) deputy commander must be a National Guard lieutenant general, unless the commander is a National Guard general.⁵⁵

Bi-partisan momentum to strengthen the National Guard in the military community continued with the Obama Administration. The 2012 NDAA elevated the director of the National Guard Bureau to a full voting member of the Joint Chiefs of Staff, equivalent to the Service Chiefs. Other provisions in the 2012 authorization act established the rank of lieutenant general for the vice chief of the Guard Bureau, in addition to the lieutenant general directors of the Army and Air Guards. The bill also requires that Guard generals be considered for command of Army North and Air Force North, three-star service component commands subordinate to NORTHCOM.⁵⁶

The legislative initiatives from 2008 to 2012 are hailed by some historians as the "most significant development" in reserve history since the Militia Act of 1903 codified the modern day dual-status structure of the Guard.⁵⁷ However, the active components and advocates for the federal reserves contested the legislation. Defense Secretary Leon Panetta and all members of the Joint Chiefs of Staff voiced firm opposition during a hearing on Capitol Hill as lawmakers pushed to create a seat for the Guard.⁵⁸

Army and Air Force Active Components did not want to further erode their ability to influence budgeting and force structure in the reserve components. Although

⁵⁵ *National Defense Authorization Act for Fiscal Year 2008*, HR 1585, 110th Cong., 1st sess., (December 6, 2007): 502.

⁵⁶ Army Times Staff Report, "Top Guard Officer Joins Joint Chiefs of Staff," ArmyTimes.com, <http://archive.armytimes.com/article/20120104/NEWS/201040310/Top-Guard-officer-joins-Joint-Chiefs-Staff> (accessed December 31, 2015).

⁵⁷ Jim Greenhill, "National Guard Senior Officer Elevated to Joint Chiefs of Staff," National Guard Bureau Press Release, <http://www.nationalguard.mil/News/ArticleView/tabid/5563/Article/628435/national-guards-senior-officer-elevated-to-joint-chiefs-of-staff.aspx> (accessed December 31, 2015).

⁵⁸ Army Times Staff Report, "Top Guard Officer Joins Joint Chiefs of Staff."

independently funded by Congress, the Army and Air Force Reserves, unlike the Guard, fall within the command structures of their respective active components. The Army Reserve is an Army Direct Reporting Unit, similar to the Corps of Engineers or Army Medical Command.⁵⁹ The Air Force Reserve is a Major Command which reports to Headquarters Air Force, like the Air Mobility Command or Air Combat Command.⁶⁰ Any disagreements on budgeting or force structure are usually settled out of the public discourse, within their respective services, consistent with the other Army and Air Force commands.

Contrary to their relationship with the Reserves, the Army and Air Force Active Components regularly find themselves in conflict with the Guard in budgeting and force structure debates. Unlike the reserve commands, National Guard Bureau is a joint activity of the DoD, removed from any of the active component command structures. Billions of dollars a year in federal defense money are allocated to the Guard, but the Pentagon has virtually no budgetary control over the state-run militaries that are commanded by the governors in peacetime.⁶¹

When the nation is at war and money is flowing freely to the troops, the Active Components and the Guard usually get along well; but when threats and funding recede, the institutions tend to fight for funding priorities.⁶² In 2015, after protracted battles over resources between the Guard and the Army became a public fight before House and

⁵⁹ U.S. Army, “Army Command Structure,” The Official Homepage of the U.S. Army, <http://www.army.mil/info/organization/unitsandcommands/commandstructure/> (accessed February 04, 2016).

⁶⁰ U.S. Air Force, “About the Air Force Reserve,” The Official United States Air Force Website, <http://www.afrc.af.mil/> (accessed February 04, 2016).

⁶¹ Dave Moniz and Jim Drinkard, “Misconduct marks Guard Command,” *USA Today*, January 08, 2002.

⁶² Loren Thompson, “Shrinking Army Fights National Guard for Vital Combat Helicopters,” Forbes.com, <http://www.forbes.com/sites/lorenthompson/2014/06/30/shrinking-army-fights-national-guard-for-vital-combat-helicopters/#332011866a02> (accessed February 04, 2016).

Senate committees, a retired Army General, Carter Ham, was summoned to smooth relations between the Guard and Army at the National Commission of the Future of the Army. Colorado National Guard Adjutant General, Major General Michael Edwards, an Air Guardsman, said the two sides were not even on speaking terms.⁶³ Lacking the independence of the National Guard, the Reserves are seldom empowered to engage in strong public arguments for their individual components.

Elevation of the Chief of the National Guard Bureau to a full voting member of the Joint Chiefs of Staff, reporting directly to the Secretary of Defense through the Chairman, was opposed by the Active Components because it further erodes their influence on budgeting and force structure decisions concerning the Guard. Any further initiatives, such as a merger of the Title 10 Reserves into the National Guard, will likely be opposed by both Active Army and Air Force leaders.

The Reserve Officers Association (ROA) raised questions of equity for the other reserve components. It was the ROA position that if the Guard were given “four-star status” without consideration of the rest of the reserve components, two-thirds of the reserves would be effectively disadvantaged, and the Joint Chiefs of Staff decision-making process would be unbalanced.⁶⁴ Congress did not share the concerns of the active components or the federal reserves and passed the legislation. With thousands of jobs and voters associated with Guard activities politicians are deferential to Guard concerns, lending the National Guard unusual political clout. That political influence is

⁶³ Tom Roeder, “Effort to Bring Army, National Guard Closer May Result in Redesign,” *The Colorado Springs Gazette*, September 08, 2015.

⁶⁴ Reserve Officers Association, “Joint Chiefs Addition of National Guard Bureau Divisive and Short-sighted,” PR Newswire, <http://www.thefreelibrary.com/Joint+Chiefs+Addition+of+National+Guard+Bureau+Divisive+and...-a019721745> (accessed December 31, 2015).

reinforced by the fact that the Guard serves as military first responder if there are natural disasters or civil disturbances.⁶⁵ The Guard's presence in nearly every ZIP code, and more than 3,300 communities in the United States, maintains a strategically important connection to the electorate, heavily influencing Congress.⁶⁶

The four DoD federal reserve components are commanded by singular lieutenant generals who report to their service chiefs at the highest level, as opposed to the comparative autonomy provided to the Chief of the National Guard. He is in a position to influence military contingency plans and the allocation of readiness resources. In addition to reporting directly to the Secretary of Defense, the Chief has the ability to advise the President, National Security Council, and Homeland Security Council on strategies and contingency response options. Through the augmented position, the Guard now has influence on the DoD budgeting process beyond the annual allocation for the Army and Air Guard.⁶⁷

Consolidating the dual reserve components of the Army and Air Force would provide a singular advocate to focus a unified effort toward training, manning, equipping, and utilization issues. Individual members of the Guard currently have career paths that do not exist for other reservists. Guardsmen can serve on joint Army and Air staffs within the reserve construct at the state or NGB level. There are multiple billets within the Guard allowing for promotion to the lieutenant general rank, as well as promotion to general as a member of the Joint Chiefs of Staff, or consideration for combatant command at NORTHCOM. The current levels of advocacy and opportunity for

⁶⁵ Thompson,

⁶⁶ Deborah Ashenhurst, "Fighting Words," *National Guard*, June 2015, 10.

⁶⁷ Senate Committee on Armed Services, *Testimony on Whether the Chief, National Guard Bureau, Should be a Member of the Joint Chiefs of Staff*, 112th Cong., 1st sess., 2011, S. Hrg. 112-336, 21-23.

Guardsmen is unprecedented in the history of United States reserve forces. For a host of fiscal, operational, and readiness reasons, now is the time to consolidate the Army National Guard and Army Reserve and the Air National Guard and Air Force Reserve.

CHAPTER 5

RECOMMENDATIONS FOR REFORM

Merge the Army and Air Force Reserves into the National Guard

Merging the Army and Air Force Reserves into the National Guard is the next step in the evolution of the United States military structure. Congress has shown the will to grant unprecedented empowerment of a reserve component to the National Guard over the last eight years. The time has come to consolidate organizations that have evolved to a point where distinction is negligible.

Arguments for an inverse merger, Guard into the Reserves, are not feasible with the existence of the Guard guaranteed throughout portions of the Constitution and Bill of Rights.¹ The enshrinement of the Guard emanates from the Founding Father's protections against a purely federal military's threat to liberty and state's rights.

Statutory law changes, a common practice for Congress, and the process that created the Title 10 reserves, can merge the Reserves into the Guard. Congress is the ultimate arbiter for the consolidation of Army and Air Force Reserve forces into the Guard, however, generating action to build a coalition and clearly articulating the argument is critical.

Build a Coalition for Congressional Initiative

Issues of access to the reserve component from the colonial period through the 19th century led to the creation of federal reserve forces in the early 20th century. Recognition of this history, and how access is no longer an issue, requires effective communication with decision makers. The urgency exists to implement cost savings measures without reducing operational force structure within the context of sequestration

¹ See Article I, Sec. 8 and Article II Sec. 2 of the United States Constitution; and the Second and Tenth Amendments of the Bill of Rights.

and shrinking budgets. Advocates should capitalize on these condition in forming the debate.

Removing duplication of effort is paramount to achieve cost effective spending on reserve forces. Admiral Mike Mullen, former Chairman of the Joint Chiefs of Staff, on his farewell tour, stated several times that the biggest threat to the United States national security is its national debt, and the Pentagon needs to “cut the fat.” The former Chairman went on to describe the DoD budget as unsustainable.² However, basing the argument on cost savings alone is not enough, as former Secretary of Defense McNamara found out in the 1960’s.

Agents of change must recognize why past attempts to consolidate the Reserves into the Guard failed. McNamara’s plan appeared sound, but never received a fair hearing due to his failure to build a coalition for change. He unveiled the plan, prepared by the Department of the Army, at a press conference, without congressional consultation.³ The same press conference contained a second ill-timed announcement of an initiative to eliminate approximately 5,000 personnel from the reserves who would be non-deployable due to their civilian employment’s value to the nation’s security. There were 79 Senators and Representatives and 240 Congressional staff assistants who were current reservists at the time of the announcement.⁴

² CNN Wire Staff, “Mullen: Debt is Top National Security Threat,” CNN, <http://www.cnn.com/2010/US/08/27/debt.security.mullen/> (accessed January 1, 2016).

³ Since his assumption of office in the Kennedy Administration, McNamara had made rigorous use of the powers granted to him under the Reorganization Act of 1958 in consolidating activities in the DoD. He continued to irritate the sensitivities of Congress as his programs were implemented. Congress agreed with McNamara’s insistence on securing the defense capability needed at the lowest possible cost, however, his insistence that he had the independent authority to implement such a large change triggered the constitutional battle, see Levantrosser, “The Army Reserve Merger Proposal,” 136-138.

⁴ Eighteen Title 10 federal drilling reservists sat on either the Senate or House Armed Services Committees or the Senate or House Appropriations Subcommittees. All were officers, to include Major Generals Barry

Congress understandably viewed the moves as a usurpation of their authority. The ensuing power struggle devolved into a constitutional rights argument full of personal animosity in which Congress prevailed. The lessons of the McNamara merger initiative made it clear that any future proposal must come from Congress, or at least be staffed utilizing broad consultation with the legislature to build a coalition.

The use of professional organizations to coalesce congressional support is the best course of action to initiate a merger. Despite the defense secretary and Department of the Army originating the merger proposal in 1964, it is not likely to find advocates there today. Active Component leadership and the ROA have routinely opposed legislation to empower the Guard. As discussed earlier, the Title 10 forces do not want to lose their influence over budgeting and force structure decisions concerning the Title 10 Reserves nested within their organizational structure. The ROA, formed as a political adjunct of the Title 10 Reserves, is threatened with a loss of membership and influence with a merger.⁵ Despite significant institutional opposition, NGAUS has the expertise to initiate and shepherd required congressional legislative action utilizing its political action committee, lobbyists, state political contacts, and influence on voters in every congressional district.

NGAUS spearheaded recent major political victories such as the accession of the NGB director to the Joint Chiefs in 2008, followed by full voting rights in 2012. The association continually demonstrates the ability to build united coalitions to counter

Goldwater (AFRES), Strom Thurmond (USAR), Robert Sikes (USAR), and Brigadier General Howard Cannon (AFRES). See, Congressional Quarterly Almanac, "Reserve Merger Plan," 692-696.

⁵ Martha Derthick, *The National Guard in Politics* (Cambridge: Harvard University Press, 1965), 46-48.

strong opposition in the federal military establishment.⁶ Following a contentious round of testimony between the military services and Congress over the 2015 defense budget, the Washington Post observed, “what NGAUS and other Guard supporters have shown year after year is that they have the depth and political weight to win most of what they want.”⁷

Timing the building of the coalition is essential. The latest merger debate from 2011 to 2012 occurred during a period with less than optimal conditions. Services were still actively mobilizing many of their personnel for contingency operations. NGAUS was fully engaged in the political battle to secure a position on Joint Chiefs of Staff for the director of NGB. All interested parties were awaiting a congressionally requested GAO study. The study, anticipated to contain estimates of merger cost savings to further the argument, never fully materialized as noted earlier.

Current conditions are favorable to utilize NGAUS in initiating steps to build a congressional coalition for a merger. Reserve Component mobilizations are slowing considerably. Andrew Davis, director of the ROA, acknowledged worries over cracks in his organization over a merger proposal.⁸ Several of the most vocal advocates of a merger are retired Reserve generals. However, a key contributing factor to the debate is still missing--the cost estimate.

⁶ The NGAUS legislative department presents legislative priorities directly to members of Congress after consultation with other powerful organizations including the Council of Governors, National Guard Bureau, state associations, the Adjutants General Association of the United States, the Enlisted

Association of the National Guard of the United States, and industry representatives, see NGAUS, “Issues and Advocacy,” NGAUS.org <http://www.ngaus.org/advocating-national-guard> (accessed January 2, 2016).

⁷ Walter Pincus, “National Guard Association, Vets Groups Know How to Win at Defense Fiscal Football,” *The Washington Post*, May 26, 2014.

⁸ Sydney J. Freeburg Jr., “Active vs. Guard: An Avoidable Pentagon War,” *Breaking Defense*, <http://breakingdefense.com/2013/06/active-vs-guard-an-avoidable-pentagon-war/> (accessed January 2, 2016).

Initiate a New Cost Study

A legislative committee should request a definitive cost study from the Congressional Budget Office (CBO) to replace the 1997 figures. The CBO economists and budget analysts produce non-partisan reports and cost estimates for most proposed legislation. Representatives Mike Coffman and Jim Cooper were right in their attempt to spark debate in Congress when they asked the GAO to perform a “merger feasibility” study in 2013. However, the GAO primarily investigates how the government spends existing money, as opposed to the CBO, who can make projections on actual proposed legislative action.

The unsuccessful attempt to obtain costing estimates from the GAO should not be viewed as a total failure. Generating momentum to force the organizations to fully assess their multiple headquarters is prudent. Inability to provide sufficient data to account for government expenditures on headquarters in both organizations is in itself troubling, and worthy of further congressional inquiry. A CBO estimate is the next step in the process.

A CBO estimate is normally triggered by the action of Congressional committees. Committee approval of legislation or a request for an analysis of prospective legislation will generate a CBO written estimate of the cost, showing how the bill would affect spending over the next 5 or 10 years.⁹ NGAUS, or another lobbying organization should work with receptive members of committees to initiate proposed legislation to secure financial estimates.

⁹ Congressional Budget Office, “Products: Cost Estimates,” Congressional Budget Office, <https://www.cbo.gov/about/products#6> (accessed January 1, 2016).

Merger Framework

As late as 1965 the Army Reserve had six Infantry Divisions.¹⁰ By 1996, following the 1993 Offsite Agreement, the Army Reserve retained one Infantry Battalion. Force structure redesign and swaps occur continually throughout the Services. A merger can be accomplished without any loss of any operational units in two phases. Phase One, transfer of Reserve units to Title 32 command and control, can be accomplished within six months of congressional action. Phase Two will involve the consolidation or divestiture of headquarters and physical structures, and may take several years. The initial consequences would be indiscernible to the drilling service member.

In Phase One, operational reserve units will transfer to the state in which they currently reside. Ownership of the physical structures and equipment utilized by the reserves will shift to the National Guard. For example, an Army Reserve military police company drilling in Ada, Oklahoma continues to drill in Ada. Change in the destination of the required reports, and administrative actions, would only be visible to the full-time staff. Unit reporting flows to the Oklahoma National Guard, rather than a regional reserve command. For Air Force Reserve units who are already participating in Associate Units with Guardsmen, the move would be even less noticeable.

Effects on the individual service member are minimized because distinctions between the types of units in the two reserve organizations, and their Guard counterparts, have ceased to exist. The Guard differs in size due to its monopoly on combat arms units. Support units in the Reserves exist in predominately equal distribution across both organizations and will not be unfamiliar structures to the Guard.

¹⁰ John B. Wilson, *Maneuver and Fire Power: The Evolution of Divisions and Separate Brigades* (Washington, DC : Center of Military History, U.S. Army, 1998), 329.

Units of similar occupational skills are trained, equipped, and organized the same way. Pay and retirement benefits are identical. Each force consists of citizen-soldiers, from varied civilian backgrounds, who typically live near the communities where they drill. The statutory requirements for drilling are the same. Participants in the Individual Mobilization Augmentation can be managed by the same personnel who run the Worldwide Individual Augmentation System at the National Guard Bureau.

Cost benefits are realized in the second phase of the merger, involving the closure of unneeded infrastructure and administrative oversite. To determine the divestiture of assets Congress may dictate terms, delegate responsibility to the DoD, or preferably form a commission, such as the Defense Base Closure and Realignment (BRAC) Commission. The formation of a commission with a BRAC type charter and authorities serves to remove much of the political element, and accelerates the cost savings process.

Facilities operation and maintenance costs may be a contentious issue between the Active Component and National Guard as a result of the merger. Separate congressional appropriations fund federally owned infrastructure utilized by Title 10 and the state owned facilities utilized by the National Guard. For example, if an Air Force Associate Unit is composed of solely Title 10 forces, the Active Component will expect some type of cost sharing agreement with the National Guard when the former Air Force Reserve unit is converted to Title 32.

In 1965, Major General Winston P. Wilson, as Chief of the National Guard Bureau, briefed a transition plan for the disposition of property and cost sharing

responsibilities during a congressional hearing about a possible merger.¹¹ The plan included a temporary increase in joint appropriations to off-set costs during the transition period and could be used as a starting point for a future merger. Ideally, Army, Air Force, and National Guard leaders should form a proposal that provides equitable remuneration for the use of shared facilities. If the parties cannot arrive at a consensus, Congress will be the ultimate arbiter through the appropriations process.

Most, if not all, of the 20 national and regional reserve commands could be dissolved. The Guard has a Joint Forces Headquarters in all 54 states and territories to assume administrative control of the new units. With National Guard funding coming almost exclusively from federal dollars, the new units are cost neutral to the states. Governors are unlikely to oppose added force structure.¹² If issues concerning force structure arise, they can be resolved through the commission, or normal NGB processes.

¹¹ United States House of Representatives, Committee on Armed Services, *Merger of the Army Reserve Components (March-September 1965)*, 4116-4119. MG Wilson testified that the plan was an overview and still in development. It is unknown if the plan was finalized as Congress did not approve the merger.

¹² The states routinely lobby NGB for more force structure. It is a stated position of the bi-partisan National Governors Association to oppose any plans to cut the National Guard, see National Governors Association, "Nation's Governors Welcome New Council of Governors Appointments," National Governors Association, <http://www.nga.org/cms/home/news-room/news-releases/2015--news-releases/col2-content/nations-governors-welcome-new-co.html>. NGAUS, in response to sequestration, advocated for cutting the active end strength by 100,000 and transferring the positions to the Guard, implying governor's consent, see Wesley E. Craig, "Saving the Million-Man Army," *National Guard*, May 2013, 48.

CHAPTER 6

CONCLUSION

The move to merge the Army and Air Force Reserves into the Army and Air Force National Guard should be viewed in the context of continuing military evolution. Cautioned by the tyranny of large standing armies, and appreciative of state's rights, the Founding Fathers empowered the Militia, or the modern National Guard, in the Constitution and Bill of Rights. From the colonial era to 1908, the United States utilized one reserve component to mobilize and defend national interests in conjunction with a comparatively small active force.

As the United States grew, serious issues with access to the militia component began to surface in the nineteenth century. Establishment of a federal reserve system was necessary to ensure the availability of troops in meeting military demands, despite opposition from the states to the creation of an Army Reserve. As the Army Reserve grew, Congressional reforms were slowly modernizing the use of the National Guard by removing state interference and easing federal access.

After World War II, the Gray Board examined the necessity of the Army's dual reserve component system and made the first official government proposal to merge the organizations. Recommending a Title 10 construct, the proposal drew heated criticism, alleging violations of Constitutional protections ensuring state control of the National Guard.

Compromise, rather than military necessity, were shown to lead to the creation of the Air Force dual component system, in 1947, a year prior to the release of the Gray Board's findings. Despite endorsements from the President and the Secretary of the Air

Force, Robert McNamara's attempt to achieve cost savings failed through a merger failed. Personal animosities over Congressional opinion that McNamara did not have the authority to initiate the action stalled any substantive debate on the military requirement for reserve duplicity.

Fifty years later the need for cost savings in the Department of Defense is no less important than it was when McNamara was Secretary of Defense in the 1960's. Without a purposeful distinction, the nation cannot afford to have the National Guard and Army and Air Force Reserves competing for funds and missions. Federal accessibility is no longer debatable, all National Guard units are subject to mobilization in support of conflicts, exercises, or training without the affirmative consent of a governor. Practically all of the unit capabilities in the Army and Air Force Reserves are duplicated in the National Guard.

The National Guard alone possess the full range of legal capabilities to respond to homeland contingencies. Merging the Army and Air Reserves into the National Guard could increase available assets and personnel by up to 60 percent without any additional cost. Most importantly, the homeland mission requires clear command and control of all assets available. A merger would clearly define those lines and allow for coordinated emergency response planning and execution.

Failed merger attempts by the Gray Board and McNamara demonstrate that politics cannot be ignored. A successful merger attempt must respect the authority of Congress and work to build a coalition within their chambers. The current climate appears amenable to substantive reserve component change and the empowerment of the National Guard, despite opposition from the Department of Defense (DoD) and Active

Components over the last eight years.

Current levels of advocacy and opportunity for Guardsmen is unprecedented in the history of United States reserve forces. Guardsmen belong to the only Reserve Component who's leader is a full voting member of the Joint Chiefs of Staff and a General. Through the National Guard Bureau (NGB) Chief, the Guard has influence on the DoD budgeting process beyond the annual allocation for the Army and Air Guard. The Guard is the only reserve component with the opportunity to work in a joint service environment internally, from the state to NGB, or support its Chief at the Joint Staff level.

Merging the Army and Air Force Reserves into the National Guard is the next step in the evolution of the United States military structure. The Army and Air Force Reserves should be dissolved and reorganized into the National Guard to enhance homeland security and consolidate the inefficient dual reserve component structures of the Army and Air Force Active Components. Eliminating the Army and Air Force Reserves will achieve cost savings, enhance homeland emergency response, provide greater advocacy for the components, and increase career opportunities for Service members.

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VITA

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